

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2016 NOV 15 AM 11:03

STATE OF WASHINGTON

Respondent,

v.

Brenda Wing  
(your name)

Appellant.

No. 48623-7-B11 Cm  
DEPUTY

STATEMENT OF ADDITIONAL  
GROUND FOR REVIEW

I, Brenda Wing, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

Ineffective assistance of Counsel. John Crowley never once interviewed or investigated anyone or anything in connection with the witnesses or evidence. It was also said in open court. He never asked for an evidentiary hearing. Mr. Crowley only read reports sent to him by the prosecution never listened to any of the material and suggested I took a plea bargain without the use of a private investigator which we paid for (cont)

Additional Ground 2

Violation of Constitutional rights. My attorney, John Crowley filed a motion and therein stating that the state had violated my constitutional rights by taking me out of my cell and to the prosecuting attorney's office and having a Washington State Patrolman interrogate me about why I had failed a lie detector test that was inconclusive. My attorney gave them permission to give me the lie detector test, but not to tell (cont)

If there are additional grounds, a brief summary is attached to this statement.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### Additional Ground I (continued)

... or bring in a pathologist like he said he was going to. Mr. Crowley was so busy with other cases and traveling throughout Washington State that I could hardly ever get ahold of him. John Crowley denied the first proffer agreement without my knowledge. He never explained the proffer to me or explained why I had to take it. He led me astray so to speak. He also knew that some of our phone calls were being recorded and continued to communicate on those phone conversations. I had never been in trouble before and had a lot to lose and didn't have a lawyer that helped me understand anything. He also told me that if I kept taking lie detector tests and told the truth there was nothing they could do, clearly he was wrong. His advise and counsel was wrong.

### Additional Ground II (continued)

... me the results or interrogate me 3-4 hours after taking a lie detector test. Anything after taking the test should have went through my counsel.

### Additional Ground III

Listening to my attorney-client phone calls. Lewis County officials monitored and or recorded my privileged phone calls with my attorney, John Crowley.

#### Additional Ground IV

Withheld/New evidence. My codefendant, Danny Wing and his attorney Todd Pascoe had a private investigator trespass onto my dad, Tim Bannister's property with the extra key to my van and took videos and pictures and other information that would have aided me in my defense. The pictures and videos were all of the victim in our case and showed that the 65 days the prosecutor claimed that Jasper Henderling-Warner was abused for is actually incorrect. Mr. Pascoe has not written me back about why he withheld this evidence. Also, there was a letter that was written to the prosecuting attorney's office from a lady that my victim's mom had lived with claiming that the abuse may actually have started with Nichole Warner and her boyfriend. This letter would have made up my mind to go to trial instead.

#### Additional Ground V

Without the evidence that I provided the prosecutors and everyone else would not have known what had happened to this little boy. Which was why they offered the plea in the first place. I cooperated, admitted culpability expressed remorse and do not have a history of violence or any other felonies.

# Exhibit

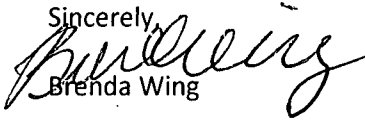
September 14, 2016

Dear Mr. Pascoe,

I am writing to you In regards to evidence that you withheld. I would like to know as to why you withheld evidence that the private investigator that you hired found in my van that was parked outside of my dad's house. I never gave anyone permission to enter. That evidence was withheld from my defense. This evidence included a video tape of said victim and pictures of Jasper James Henderling-Warner and my three children. The detectives blame my father and I for that evidence disappearing.

Please respond as to why this evidence was hidden from my defense.

Sincerely,

  
Brenda Wing